

Appl No. 10/645,080
Atty. Docket No. 9344
Amdt. Dated December 5, 2006
Reply to Office Action of September 8, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1-14, 16-24, 26-30 and 32-41 are pending in the present application. No additional claims fee is believed to be due.

Claims 15, 25 and 31 are canceled without prejudice.

Claims 1, 24 and 30 have been amended to change recite that the cleansing composition is located on at least one surface of the web of the first layer. Support for this amendment is found in original Claim 15. Claims 1 and 24 have been amended to recite a second layer that comprises at least two webs with the effervescent composition associated with the webs. Support for this amendment is in original Claim 2, 4, and 25. Claim 30 has been amended to recite a pouch that comprises a second layer that comprises at least two webs with the effervescent composition associated with the webs. Support for this amendment can be found in original Claim 31.

Claim 2 has been amended to recite that the second layer is comprised with a pouch. Claim 4 has been amended to recite that the second layer is comprised with a laminte. Support for this amendment can be found in the specification on page 3, line 18-28.

Claim 16 has been amended to recite that the article from about 0.01 to about 1500, by weight of said first layer, of the cleansing composition. Support for this amendment can be found page 9, 8 to 15 and original claim 15.

Claims 36-41 have been withdrawn as a result of an earlier restriction requirement.

Rejection Under 35 USC §112, Second Paragraph

The Office Action states that Claim 16 is indefinite and fails to recite and particularly point out and distinctly claim the subject matter of the invention because the lathering surfactant content in the claimed article is up to 1500% by weight of the article. In response, the Applicants have amended the claim to recite that the article comprises from about 0.01 to about 1500, by weight of said first layer, of said cleansing composition. The Applicants believe this amendment to the claim represents an earnest effort to place the claims in proper form. In view of the forgoing amendments and remarks, the Applicants respectfully submit that the rejection should accordingly be withdrawn.

Appl No. 10/645,080
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Rejection Under 35 USC §102 Over Slavtcheff, et al. (U.S. Patent No. 6,451,331)
(hereinafter referred to as "Slavtcheff").

Claims 1-15, 17-19, 24, 25, 30 and 31 are rejected under 35 USC §102(b) as being anticipated by Slavtcheff.

The Applicants respectfully traverse this rejection.

Slavtcheff does not teach each and every element of the claimed invention. Specifically, Slavtcheff does not teach an article for cleansing body surfaces that comprises a cleansing composition located on at least one surface of the web of the first layer; and an effervescent composition associated with the webs of a second layer. Slavtcheff does not teach an article for cleansing body surfaces that comprises cleansing composition and an effervescent composition which are in separate locations within the article. In fact, the surfactant and the effervescent composition of Slavtcheff are positioned together within the sachet (See Slavtcheff column 4, 15-17 and 65-67, Examples 1-6, and Claims 1 and 5). Because Slavtcheff does not teach each and every element of the amended independent claims, the claimed invention is not anticipated. Thus, the Applicants respectfully submit that the rejection should accordingly be withdrawn.

Rejection Under 35 USC §103(a) Over Slavtcheff, et al. (U.S. Patent No. 6,451,331)
(hereinafter referred to as "Slavtcheff") in view of Bries, et al. (U.S. Patent No. 5,110,843)
(hereinafter referred to as "Bries").

Claims 1, 2, 20-23, 24-29 and 30-35 have been rejected under 35 USC §103(a) as being obvious over Slavtcheff in view of Bries.

The Applicants respectfully traverse the rejection.

According to Section 2143 of the MPEP, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

The combination of Slavtcheff and Bries does not provide the motivation for one skilled in the art to modify the reference to create the article recited in the amended independent claims which comprises a cleansing composition located on at least one surface of the web of the first

Appl No. 10/643,080
Atty. Docket No. 9344
Amdt. Dated December 5, 2006
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Customer No. 27732

layer and an effervescent composition associated with the webs of a second layer. Slavtcheff does not teach an article for cleansing body surfaces that comprises cleansing composition and an effervescent composition which are in separate locations within the article. Slavtcheff teaches "a swiping article which includes an effervescent cleanser composition held within a sachet" (See Slavtcheff, abstract). The surfactant and the effervescent composition in the article of Slavtcheff are positioned together within the sachet (See Slavtcheff column 4, 15-17 and 65-67, Examples 1-6, and Claims 1 and 5). Bries teaches articles multilayered polyurethane foam having a detergent or cleaner impregnated in an inner layer (See Bries, column 5, lines 49-52). Bries does not teach an effervescent composition. Thus, one of ordinary skill in the art would not be motivated by Bries to separate the surfactant and effervescent composition of Slavtcheff, because Bries does not teach an article that comprises an effervescent composition. Therefore, the present invention is unobvious. Thus, the Applicants respectfully submit that the rejection should accordingly be withdrawn.

Rejection Under 35 USC §103(a) Over Slavtcheff, et al. (U.S. Patent No. 6,451,331)
(hereinafter referred to as "Slavtcheff") in view of Bergquist, et al. (U.S. 2003/0064042)
(hereinafter referred to as "Bergquist").

Claims 1, 2, 22, 23, 28, 29, 34, and 35 have been rejected under 35 USC §103(a) as being obvious over Slavtcheff in view of Bries.

The Applicants respectfully traverse the rejection.

According to Section 2143 of the MPEP, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

The combination of Slavtcheff and Bries does not provide the motivation for one skilled in the art to modify the reference to create the article recited in the amended independent claims which comprises a cleansing composition located on at least one surface of the web of the first layer; and an effervescent composition associated with the webs of a second layer. Slavtcheff does not teach an article for cleansing body surfaces that comprises cleansing composition and an effervescent composition which are in separate locations within the article. Slavtcheff teaches "a swiping article which includes an effervescent cleanser composition held within a sachet" (See Slavtcheff, abstract). The surfactant and the effervescent composition in the article of Slavtcheff

Appl No. 10/645,080
Atty. Docket No. 9344
Amdt. Dated December 5, 2006
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Customer No. 27752

are positioned together within the sachet (See Slavtcheff column 4, 15-17 and 65-67, Examples 1-6, and Claims 1 and 5). Bergquist teaches articles an article for cleansing body surfaces including an effervescent cleansing composition capable of generating a foam upon contact with water and a pouch housing a cleansing composition which is formed of first and second water-insoluble substrates (See Bergquist at [0011] to [0022]). The cleansing composition components within the pouch comprises an acidic material, an alkaline material and optimal a dry surfactant (See Bergquist at [0033], [0034] and [0037]). Thus, one of ordinary skill in the art would not be motivated by Bergquist to separate the surfactant and effervescent composition of Slavtcheff, because Bergquist does not teach or suggest the separation of the surfactant and effervescent composition. Therefore, the present invention is unobvious. Thus, the Applicants respectfully submit that the rejection should accordingly be withdrawn.

Double Patenting

Claims 1-35 have been provisionally rejected for obviousness-type double patenting over claims 1-25 of the commonly assigned, copending application U.S. Serial No. 10/645,079 and claims 1-31 of the commonly assigned, copending application U.S. Serial Nos. 10/949,833. An appropriate terminal disclaimer is submitted herewith this response. Thus, the rejection is obviated.

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CONCLUSION

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC §102, 35 USC §103 and Double Patenting. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-14, 16-24, 26-30 and 32-35 is respectfully requested.

Respectfully submitted,

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December 5, 2006
Customer No. 27752